

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

TYLER'S, INC.,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO.:
)	
TRAVELERS PROPERTY CASUALTY)	3:06CV815-VPM
COMPANY OF AMERICA, and A through)	
Z who are fictitious parties to be named at a)	
later date when their identities become known,)	
)	
Defendants.)	

REPORT OF PARTIES PLANNING MEETING

Come now the parties in the above styled cause and in compliance with the Order of the Honorable Vanzetta McPherson, U.S. Magistrate Judge, dated October 26, 2006, and pursuant to Fed.R.Civ.P. 26(f), and advise the Court that a meeting was held on November 27, 2006, via telephone conference and was attended by the following, to wit:

Michael Fellows on behalf of Plaintiff, Tyler's, Inc.;

James P. Rea on behalf of Defendant, Travelers Property Casualty Company of America.

Pursuant to that meeting of the parties and subject to the Court's ruling on the Plaintiff's pending Motion to Remand this case, the following is submitted as the parties proposed discovery and scheduling order; to wit:

1. **Pending Motions.** Plaintiff's Motion to Remand.
2. **Pre-discovery Disclosures.** The parties will exchange the information required by Fed.R.Civ.P. 26(a)(1) on or before January 2, 2007.
3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

- a. Discovery will be needed on the following subjects:
 - (1) All claims of the Plaintiff as made in the original Complaint filed in Lee County, Alabama;
 - (2) All defenses as alleged in Defendant's Answer to the Plaintiff's Complaint.
- b. All discovery must be commenced in time to be completed by **September 28, 2007**.
- c. Maximum of **40 Interrogatories**, including subparts, by each party to any other party.
- d. Maximum of **40 Requests for Production**, including subparts, by each party to any other party.
- e. Maximum of **40 Requests for Admissions** by each party to any other party.
- f. Maximum of **10 persons** deposed by Plaintiff and **10 persons** deposed by Defendant, subject to a mutual agreement of the parties to add to the number of individuals to be deposed. Maximum time limit per deposition noticed is **8 hours** unless otherwise agreed by counsel for all parties.
- g. Reports from retained experts under Rule 26(a)(2) due:
 - from Plaintiff by **May 1, 2007**
 - from Defendant by **June 1, 2007**
- h. Supplementation under Rule 26(e), if necessary, should be made every other month during the discovery period and also not later than **30 days** prior to trial.

4. **Other Items.**

- a. The parties do not request a conference with the Court before entry of the scheduling order.
- b. The Plaintiff should be allowed until **April 1, 2007**, to join additional parties and to amend the pleadings.
- c. The Defendants should be allowed until **May 1, 2007**, to join additional parties and to amend the pleadings.
- d. All potentially dispositive motions shall be filed no later than **90 days** before the date of the pretrial conference to be established by this Court. (See item "g").
- e. Settlement cannot be evaluated prior to the completion of some discovery.
- f. At this time, the parties do not believe this case can be evaluated for proceeding under the procedures for Alternative Dispute Resolution as authorized by this Court's Civil Justice Expense and Delay Reduction Plan. However, upon completion of some discovery, this may be appropriate.
- g. This case should be ready for a final pretrial conference with the Court in **November or December, 2007**.
- h. Final list of trial evidence under Rule 26(a)(3) should be due:
 - From Plaintiff: witnesses by **30 days** prior to trial setting
exhibits by **30 days** prior to trial setting
 - From Defendant: witnesses by **25 days** prior to trial setting
exhibits by **25 days** prior to trial setting

- i. Parties have **7 days** after service of final list of witnesses and exhibits to state objections under Rule 26(a)(3).
- j. The case should be ready for trial during the Court's civil trial term in the Eastern Division of **February 4, 2008**, and at this time the trial is expected to take approximately **3 days**.

Respectfully submitted this the 28th day of November, 2006.

/s/ Michael C. Fellows
Ben C. Hand, Esquire
Michael C. Fellows, Esquire
Attorney for the Plaintiff,
Tyler's, Inc.

OF COUNSEL:

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/s/ James P. Rea
James P. Rea
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